

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTOPHER WILLIAM HARRIS,

CASE NO. C19-0038 RSM

Plaintiff,

ORDER ADOPTING REPORT AND RECOMMENDATION

CASCADE DISTRICT COURT, et al.,

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Brian A. Tsuchida. Dkt. #5. Plaintiff, proceeding *in forma pauperis*, is presently confined by Snohomish County Corrections and has filed a *pro se* lawsuit against the Cascade District Court (“Commissioner Leo”), Lake Stevens Deputy Minor, and public defender Dustin Drenguis. Dkt. #4. The R&R concludes that Plaintiff’s claims against Defendants Drenguis and Commissioner Leo should be dismissed with prejudice as they fail to state a valid claim under 42 U.S.C. § 1983.¹ Dkt. #5 at 2–3. The R&R concludes that the claims against Defendant Minor should be dismissed without prejudice because, under the *Younger* abstention

¹ The R&R notes that “a state public defender performing traditional lawyer functions is not a state actor,” that money damages against Commissioner Leo are barred by judicial immunity, and that any challenge to Plaintiff’s confinement, before this Court, is limited to a writ of habeas corpus. Dkt. #5 at 2–3 (citations omitted).

1 doctrine, this Court is to avoid intervening in ongoing state court criminal proceedings absent
2 extraordinary circumstances. Dkt. #5 at 3–4 (citing *Younger v. Harris*, 401 U.S. 37, 45–46
3 (1971)).

4 Plaintiff has not objected to the R&R but has filed an Amended Complaint (Dkt. #6) and
5 a letter to the Court explaining that his complaint is with his arrest by Defendant Minor (Dkt.
6 #7). Neither of these filings alter the sound reasoning of the R&R. Plaintiff's Amended
7 Complaint remedies none of the deficiencies identified in the R&R and in fact clarifies that
8 Plaintiff is “requesting that the Federal Courts vacate the [No Contact Order] charge
9 # 11173A17D off my record” and that Plaintiff is “seeking judicial relief and an appeal to dismiss
10 previous charges, contest current charges and therefore, ultimately reduce or eliminate impending
11 prison sentencing.” Dkt. #6 at 3, 6. The Amended Complaint is deficient for the same reasons
12 identified in the R&R and further demonstrates that leave to amend in this matter is futile.
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14 Accordingly, the Court finds and ORDERS that:
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- 16 1. The Report and Recommendation (Dkt. #5) is ADOPTED.
- 17 2. Plaintiff's claims against Cascade District Court, Commissioner Leo, and Dustin
18 Drenguis are DISMISSED with prejudice.
- 19 3. Plaintiff's claims against Deputy Minor are DISMISSED without prejudice.
- 20 4. This case is CLOSED.
- 21 5. The Clerk shall send a copy of this Order to Plaintiff.

22 Dated this 1st day of February 2019.
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25 RICARDO S. MARTINEZ
26 CHIEF UNITED STATES DISTRICT JUDGE